

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOLORES JOHNSON,
Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO,
Defendant.

Case No. [15-cv-03011-KAW](#)

ORDER TERMINATING MOTION TO
DISMISS

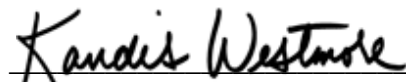
Re: Dkt. No. 11

On September 21, 2015, Defendant City and County of San Francisco filed a motion to dismiss Plaintiff Dolores Johnson's initial complaint. (Dkt. No. 11.) On September 29, 2015, Plaintiff filed an amended complaint. (Dkt. No. 15.)

Under Rule 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b). The amended complaint was filed fewer than 21 days after service of the 12(b)(6) motion. Accordingly, the Court terminates the pending motion to dismiss, as the operative complaint is now the amended complaint.

IT IS SO ORDERED.

Dated: September 30, 2015



KANDIS A. WESTMORE
United States Magistrate Judge